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SCHWEGMAN, LUNDBERG & WOESSNER/EBAY			EXAMINER	
P.O. BOX 2938			POND, ROBERT M	
MINNEAPOLIS, MN 55402			ART UNIT	PAPER NUMBER
			3625	
			NOTIFICATION DATE	DELIVERY MODE
			01/10/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@SLWIP.COM

## Office Action Summary

**Application No.**

09/905,525

**Applicant(s)**

BOONE ET AL.

**Examiner**

Robert M. Pond

**Art Unit**

3625

**– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-28 and 30-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-28 and 30-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/27/07</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

Applicants amended claims 1, 7, 14, 18, 25 and 31. All pending claims 1-4, 6-28 and 30-45 were examined in this final office action necessitated by amendment. New grounds of rejection under 35 USC 112 and 35 USC 103 were warranted due to amendment.

### ***Response to Arguments***

Applicant's arguments filed 27 September 2007 have been fully considered but they are not persuasive. Regarding independent claims 1 and 25, Applicants' arguments are based upon the amended language of the independent claims to overcome the prior art. New grounds of rejection were necessitated by amendment. As taught by eBay a user can browse items located in the UK to see an item listed in his/her native currency in United Kingdom pounds (Paper #20070530, U: page 15, e.g. STYLOPHONE- Cool 1960's Instrument). Also listed are other items in US Dollars. The user may use the universal currency converter to convert from US dollars to United Kingdom pounds or vice versa or other supported currencies (e.g. Euros), the results being displayed to the user (Paper #20070530, U: page 17). It is within the technical grasp of one of ordinary skill in the art to apply the known options supplied by eBay alone to ascertain a convenience of including both listing currency and native currency as being

ordinary skill and common sense. For example, a citizen of the UK whose native currency is the UK pound may wish to covert the STYLOPHONE to Euros. It would be obvious to try and improve the known options taught by eBay of providing both listing and native currencies rather than inconveniencing the user by always requiring use of the currency converter to convert to Euros.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 1. Claims 41-45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Claims 41-45 recite the limitation "wherein the second plurality of offerings..." There is no antecedent basis for this limitation in the claim. Claims 41-45 cannot be examined on the merits. A "second plurality of offerings" no longer exists in the parent claim. The Applicants canceled all subject matter in the parent claim pertaining to "second plurality of offerings."

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**1. Claims 1- 3, 6, 25-27 and 30 are rejected under 35 USC 103(a) as being unpatentable over eBay (Paper #20070530, PTO-892, Item: U).**

eBay teaches a main web site containing directed links to region-specific auction web sites. eBay further discloses:

- **Regarding claims 1 and 3:** determining a site that a user accesses, the site being one of multiple sites operated by a network-based commerce facility; main web page displayed on via a web browser provides an active link to Canada site, UK site, and Germany site (Paper #20070530, U: page1, "UK Link") (i.e. pre-defined multiple regional sites). Clicking the UK link results in the UK main web page being displayed (please note: a site that a user accesses was determined) (Paper #20070530, U: see page 8). Inherent in eBay are the structures necessary to permit the site being one of a multiple sites operated by a networked-based commerce facility. For example, the web browser is displaying web pages using a markup language being served by a computer-based system communicating over the Internet that manages the commerce information being displayed.
- **Regarding claim 1:** retrieving a category list available for the site, the category list identifying categories of offerings available via the site; the accessed UK site displays a category list and allows the user to search the UK site for items available in the UK (Paper #20070530, U: see page 8) (please note: category list retrieve to display).

- **Regarding claims 1 and 2:** and, communicating the category list and a view selection link to the user, the accessed UK site displays a category list and allows the user to search the UK site for items available in the UK or items located in the UK (Paper #20070530, U: see page 8),
- **Regarding claim 1:** eBay teaches all the above as noted under the 103(a) rejection and further teaches: A user browsing items located in the UK (i.e. the category list includes offering categories that include offerings available for sale via the network-based commerce facility in a particular region) to see an item listed in its native currency in United Kingdom pounds (Paper #20070530, U: see at least page 15, e.g. STYLOPHONE-Cool 1960's Instrument). Also listed are other items in US Dollars. The user may use the universal currency converter to convert from US dollars to United Kingdom pounds or vice versa or other supported currencies (e.g. Euros), the results being displayed to the user (Paper #20070530, U: page 17). It would have been obvious to one of ordinary skill in the art at time the invention was made to include a listing currency and a native currency that is associated with the particular region, because a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. If this leads to the anticipated success, it is likely the product/method is not of innovation but of ordinary skill and common sense. Obviousness under 35 USC 103 in view of the Supreme Court decision *KSR International Co. v. Teleflex Inc.* For example, a citizen of

the UK whose native currency is the UK pound may wish to covert the STYLOPHONE to Euros. It would be obvious to try and improve the known options of providing both listing and native currencies rather than inconveniencing the user by always requiring use of the currency converter to convert to Euros.

- **Regarding claim 6:** displaying in a particular order, displays categories in alphabetical order (Paper #20070530, U: at least pages 1, 8, 9).
- **Regarding claims 25-27 and 30:** Rejections of system claims 25-27 and 30 are based on the same rationale as noted above.

**2. Claims 4 and 28 are rejected under 35 USC 103(a) as being unpatentable over eBay (PTO-892, Item: U) in view of Applicant's Admission (regarding parsing of universal resource locators).**

eBay teaches all the above as noted under the 103(a) rejection and further teaches universal resource locators (URLs) being used by the web browser to access web pages served by the eBay web site. Although eBay does not disclose parsing URLs, eBay in combination with Applicant's Admission as providing a tutorial on how URLs are parsed teach and suggest the claimed invention. It would have been obvious to one of ordinary skill in the art at time the invention was made to parse a uniform resource locator as taught by Applicant's Admissions, because a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. If this leads to the anticipated

success, it is likely the product/method is not of innovation but of ordinary skill and common sense. Obviousness under 35 USC 103 in view of the Supreme Court decision *KSR International Co. v. Teleflex Inc.*

**3. Claims 7-10, 12, 14-16, 18-22, 24, 31-34, and 36-39 are rejected under 35 USC 103(a) as being unpatentable over eBay (PTO-892, Item: U).**

eBay teaches region-specific auction web sites operated by a networked based commerce facility. eBay further teaches:

- **Regarding claims 7:** determining an availability of an offering in a particular region, the offering been presented for sale via a network-based commerce facility, main web page displayed on via a web browser provides an active link to Canada site, UK site, and Germany site (Paper #20070530, U: page1, "UK Link") (i.e. multiple regional sites). Clicking the UK link results in the UK main web page being displayed (please note: a site that a user accesses was determined) (Paper #20070530, U: see page 8). Inherent in eBay are the structures necessary to permit the site being one of a multiple sites operated by a networked-based commerce facility. For example, the web browser is displaying web pages using a markup language being served by a computer-based system communicating over the Internet that manages the commerce information being displayed. The accessed UK site displays a category list and allows the user to search the UK site for items available to UK buyers (Paper



#20070530, U: see pages 8 and 10) (please note: category list retrieve to display).

- **Regarding claims 7, 9, and 12:** displaying information concerning the offering to a user only if the offering is available in a geographic region associated with the user, selling in a local region only is based on the seller selecting the region in order to attract buyers local to the seller/item; displaying a list of items available to UK buyers (Paper #20070530, U: see at least pages 4 and 10-14). For "Browse items available to UK buyers" on page 10, items are listed in US dollars. The UK user may use the universal currency converter (note: implies current market exchange rates) to convert from US dollars to United Kingdom pounds or vice versa or other supported currencies (e.g. Euros), the results being displayed to the user (Paper #20070530, U: page 17). It would have been obvious to one of ordinary skill in the art at time the invention was made to include a listing currency and a native currency that is associated with the particular region, because a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. If this leads to the anticipated success, it is likely the product/method is not of innovation but of ordinary skill and common sense. Obviousness under 35 USC 103 in view of the Supreme Court decision *KSR International Co. v. Teleflex Inc.* For example, a citizen of the UK whose native currency is the UK pound may wish to covert from US Dollars to the UK pound. It would be obvious

to try and improve the known options of providing both listing and native currencies rather than inconveniencing the user by always requiring use of the currency converter to convert to UK pounds

- **Regarding claim 8: offering listing characteristics**, Ending Today New Today, Completed” (Paper #20070530, U: page 15); current auction price (Paper #20070530, U: at least page 15).
- **Regarding claim 10: shipping region**. Inherent in eBay are computing structures necessary to permit offering listing characteristics that include a shipping region offering. For example, the UK web page allows a user to search for items located in UK and to search for items available in UK (please note: seller listing characteristic indicate shipping regions) (Paper #20070530, U: see pages 4 and 8).
- **Regarding claims 14-16, 18-22 and 24:** Rejections of claims 14-16, 18-22 and 24 are based on the same rationale as noted above.
- **Regarding claims 31-34 and 36-39:** Rejection of claims 31-34 and 36-39 is based on the same rationale as noted above.

**4. Claims 11, 23 and 35 are rejected under 35 USC 103(a) as being unpatentable over eBay (Paper #20070530, PTO-892, Item: U) in view of McClenahen (Paper #20070530, PTO-892, Item: V)**

**Regarding claims 11 and 23:** Ebay teaches all the above as noted under the 103(a) rejection and teaches i) a user accessing region-specific sites via a main

web page (e.g. US region-specific sites, Canada, UK, and Germany region-specific sites), ii) a user within the UK region-specific site, displaying in English to the user items for auction located in the UK, iii) within the Canada region-specific site, display in English to the user items for auction located in Canada. Although eBay does not disclose the offering listing characteristics including a listing language of the offering, eBay in combination with McClenahen teach and suggest the claimed invention. McClenahen teaches e-commerce as being revolutionary and evolutionary and mentions eBay's web site garnering a huge numbers of hits (Paper #20070530, V: see pages 1 and 2). McClenahen further teaches relatively easy access to PCs, relatively high levels of disposable income, and predominantly English-language content are three reasons e-commerce, especially business to-consumer e-commerce, is mainly a North American phenomenon now, says Andersen's Johnson. In some of the world's other significant economies-such places as France, Germany, and Japan-language is holding back e-commerce growth. Nevertheless, "it will evolve, and it will evolve following a pattern of first [having] access and second [having] content that is useful," says Johnson. Therefore it would have been obvious to one of ordinary skill in the art at time the invention was made to modify eBay to provide German language content to not hold back e-commerce growth in Germany as taught by McClenahen, because the design incentives or market forces provided a reason to make an adaptation, and the inventions resulted from application of

the prior knowledge in a predictable manner. Obviousness under 35 USC 103 in view of the Supreme Court decision *KSR International Co. v. Teleflex Inc.*

- **Regarding system claim 25:** Rejection of claim 35 is based on the same rationale as noted above.

**5. Claim 13 is rejected under 35 USC 103(a) as being unpatentable over eBay (PTO-892, Item: U) in view of Pollick (Paper #20041209, PTO-892, Item: VV).**

eBay teaches all the above as noted under the 103(a) rejection and teaches transacting auctions globally via the eBay sites, but does not disclose fixed price transactions. Pollick teaches eBay and Amazon auction sites, and further teaches Zshops, a fixed-price alternative to auctions being implemented by Amazon as a customer service (Paper #20041209, VV: see at least page 5). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the method of eBay to implement fixed-price transactions as a customer service as taught by Pollick, because the design incentives or market forces provided a reason to make an adaptation, and the inventions resulted from application of the prior knowledge in a predictable manner. Obviousness under 35 USC 103 in view of the Supreme Court decision *KSR International Co. v. Teleflex Inc.*

**6. Claims 17 and 40 are rejected under 35 USC 103(a) as being unpatentable over eBay (PTO-892, Item: U).**

eBay teaches all the above as noted under the 103(a) rejection and teaches a user specifying a currency using the currency conversion calculator due to listings being displayed in a currency determined by the site. It would have been obvious to one of ordinary skill in the art at time the invention was made to permit the native currency of the site being a user-specified currency (note claim interpretation for examination purposes: native currency is user-specified for the user's display only), because a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. If this leads to the anticipated success, it is likely the product/method is not of innovation but of ordinary skill and common sense. Obviousness under 35 USC 103 in view of the Supreme Court decision *KSR International Co. v. Teleflex Inc.* For example, the UK buyer could specify the UK pound when viewing items available in the UK.

- **Regarding system claim 40:** Rejection of claim 40 is based on the same rationale as noted above.

***Conclusion***

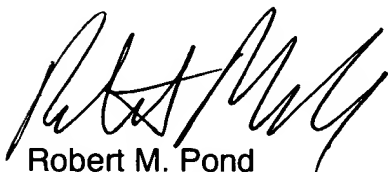
Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Robert M. Pond  
Primary Examiner  
January 6, 2008